

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BUNDREN LAW GROUP,
PLLC.

Plaintiff,

v.

ATLANTIC SPECIALTY
INSURANCE COMPANY,
ONE BEACON
PROFESSIONAL INSURANCE
GROUP, ONE BEACON
PROFESSIONAL
INSURANCE, INC., INTACT
INSURANCE GROUP, USA,
LLC, INTACT INSURANCE
GROUP USA HOLDINGS,
INC., INTACT FINANCIAL
CORPORATION, TGP
COMMUNICATIONS, LLC,
JAMES "JIM" HOFT,
INDIVIDUALLY, and JOE
HOFT, INDIVIDUALLY.

Defendants.

CIVIL ACTION NO.

4:24-CV-00900

**AFFIDAVIT IN SUPPORT OF
PLAINTIFF'S SECOND MOTION TO REMAND**

STATE OF TEXAS

§

COUNTY OF COLLIN

§

§

Before me, the undersigned notary, on this day personally appeared Charles Bundren, the affiant, a person whose identity is known to me. After I administered an oath, affiant testified as follows:

1. My name is Charles Bundren. I do hereby swear under penalty of perjury that the facts stated in this Affidavit are within my personal knowledge and are true and correct.

2. I am over the age of 18 years, of sound mind, and a resident of the City of Frisco, Texas. I submit this affidavit based upon my personal knowledge and, if called upon to testify as to the contents of this Affidavit, I am legally competent to testify to the contents of the Affidavit in a court of law.

3. I am a member of the State Bar of Texas. I received my membership and license to practice law in the State of Texas on November 12, 1979. My State Bar of Texas bar number is 03343200.

4. I am a member of the bar of the Supreme Court of the United States, the United States Court of Appeals for the Fifth Circuit, the United States Court of Appeals for the Eleventh Circuit, the United States District Court for the Eastern District of Texas, the United States District Court for the Northern District of Texas, the United States District Court for the Southern District of Texas, and the United States District Court for the Western District of Texas.

5. I am currently employed by Bundren Law Group, PLLC (“BLG”) in the capacity of manager and attorney. In my capacity as manager and attorney of BLG, I am responsible for overall management and supervision of BLG.

6. I was one of the attorneys whom represented TGP COMMUNICATIONS, LLC (“TGP”), Jim “James” Hoft, individually, and Joe Hoft, individually (collectively, the “Hofts”), who were sued by Ruby Freeman (“Freeman”) and Shea Moss (“Moss”) in the case styled *Ruby Freeman, et al., v. James Hoft, et al.*, Case No. 2122-CC09815, for, *inter alia*, defamation, disparagement, personal injury, harm to character or reputation, including libel and slander in connection with publications allegedly made by TGP and the Hofts. The lawsuit hereinafter is referred to as (the “Freeman-Moss Lawsuit”).

7. I am the attorney in charge and lead counsel for Plaintiff in the above referenced civil action.

8. I am familiar with the documents, pleadings and motions that have been filed in the above referenced civil action and with service and notice provided to the parties with respect to documents filed in the above referenced civil action.

9. On October 12, 2024 Plaintiff filed Plaintiff’s Original Complaint (Doc. 7) in the above referenced civil action.

10. On October 12, 2024, I prepared and shipped a federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen

Beach, Florida enclosing copies of Docs. 4, 4-1, 4-2, 6, 7 and 8 filed in the above referenced civil action. (A copy of my Federal Express letter is attached as Exhibit 1).

11. At 1:13 PM on October 12, 2024 I sent an email to Joseph “Joe” Hoft at his email address of jwhoft@gmail.com attaching copies of Docs. 4, 4-1, 4-2, 6, 7 and 8 filed in the above referenced civil action. (A copy of my email is attached as Exhibit 2).

12. On October 28, 2024, Plaintiff filed Plaintiff’s First Amended Complaint (Doc. 39).

13. On October 28, 2024, I prepared and shipped a federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Doc. 39 filed in the above referenced civil action. (A copy of my Federal Express letter is attached as Exhibit 3).

14. On October 28, 2024, Federal Express confirmed shipment of my October 28, 2024, federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Doc. 39 filed in the above referenced civil action. (A copy of the confirmation from Federal Express is attached as Exhibit 4).

15. On October 29, 2024, Federal Express confirmed delivery of my October 28, 2024, federal express letter to Defendant, Joseph “Joe” Hoft, to his

address where he presently resides in Jensen Beach, Florida enclosing a copy of Doc. 39 filed in the above referenced civil action. (A copy of the confirmation from Federal Express is attached as Exhibit 5).

16. At 5:43 PM on October 28, 2024 I sent an email to Joseph “Joe” Hoft at his email address of jwhoft@gmail.com attaching a copy of Doc. 39 filed in the above referenced civil action. (A copy of my email is attached as Exhibit 6).

17. On October 29, 2024, I prepared and shipped a federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. 41 and 41-1 filed in the above referenced civil action. (A copy of my Federal Express letter is attached as Exhibit 7).

18. On October 31, 2024, Federal Express confirmed shipment of my October 29, 2024, federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. 41 and 41-1 filed in the above referenced civil action. (A copy of the confirmation from Federal Express is attached as Exhibit 8).

19. On November 4, 2024, Federal Express confirmed delivery of my October 28, 2024, federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. 41 and 41-1 filed in the above referenced civil action. (A copy of the confirmation from Federal Express is attached as Exhibit 9).

20. At 12:26 PM on October 30, 2024 I sent an email to Joseph “Joe” Hoft at his email address of jwhoft@gmail.com attaching a copy of Docs. 41 and 41-1 filed in the above referenced civil action. (A copy of my email is attached as Exhibit 10).

21. At 5:56 PM on November 12, 2024 I sent an email to Joseph “Joe” Hoft at his email address of jwhoft@gmail.com attaching a copy of Docs. 50 and 50-1 through 50-24 filed in the above referenced civil action. (A copy of my email is attached as Exhibit 11).

22. On November 12, 2024, I prepared and shipped a federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. 50 and 50-1 through 50-24 filed in the above referenced civil action. (A copy of my Federal Express letter is attached as Exhibit 12).

23. On November 13, 2024, Federal Express confirmed shipment of my November 12, 2024 federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. 50 and 50-1 through 50-24 filed in the above referenced civil action. (A copy of the confirmation from Federal Express is attached as Exhibit 13).

24. On November 15, 2024, Federal Express confirmed delivery of my November 12, 2024 federal express letter to Defendant, Joseph “Joe” Hoft, to his

address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. 50 and 50-1 through 50-24 filed in the above referenced civil action. (A copy of the confirmation from Federal Express is attached as Exhibit 14).

25. At 8:54 AM on November 16, 2024 I sent an email to Joseph “Joe” Hoft at his email address of jwhoft@gmail.com attaching a copy of Docs. Exhibit 3 through Exhibit 10 support of Plaintiff’s Affidavit in response to TGP’s motion to dismiss filed in the above referenced civil action. (A copy of my email is attached as Exhibit 15).

26. At 11:17 AM on November 16, 2024 I sent an email to Joseph “Joe” Hoft at his email address of jwhoft@gmail.com attaching a copy of Docs. 55 and 55-1 through 55-18 filed in the above referenced civil action. (A copy of my email is attached as Exhibit 16)

27. On November 16, 2024, I prepared and shipped a federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. 55 and 55-1 through 55-18 filed in the above referenced civil action. (A copy of my Federal Express letter is attached as Exhibit 17).

28. On November 16, 2024, Federal Express confirmed shipment of my November 16, 2024 federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of

Docs. 55 and 55-1 through 55-18 filed in the above referenced civil action. (A copy of the confirmation from Federal Express is attached as Exhibit 18).

29. On November 19, 2024, Federal Express confirmed delivery of my November 16, 2024 federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. 55 and 55-1 through 55-18 filed in the above referenced civil action. (A copy of the confirmation from Federal Express is attached as Exhibit 19).

30. At 2:06 PM on November 16, 2024 I sent an email to Joseph “Joe” Hoft at his email address of jwhoft@gmail.com attaching a copy of Docs. 56 and 56-1 filed in the above referenced civil action. (A copy of my email is attached as Exhibit 20).

31. On November 16, 2024, I prepared and shipped a federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. 56 and 56-1 filed in the above referenced civil action. (A copy of my Federal Express letter is attached as Exhibit 21).

32. On November 16, 2024, Federal Express confirmed shipment of my November 16, 2024 federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. 56 and 56-1 filed in the above referenced civil action. (A copy of the confirmation from Federal Express is attached as Exhibit 22).

33. At 4:41 PM on November 16, 2024 I sent an email to Joseph “Joe” Hoft at his email address of jwhoft@gmail.com attaching a copy of Docs. 58 and 58-1 filed in the above referenced civil action. (A copy of my email is attached as Exhibit 23).

34. On November 16, 2024, I prepared and shipped a federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. 58 and 58-1 filed in the above referenced civil action. (A copy of my Federal Express letter is attached as Exhibit 24).

35. On November 16, 2024, Federal Express confirmed shipment of my November 16, 2024 federal express letter to Defendant, Joseph “Joe” Hoft, to his address where he presently resides in Jensen Beach, Florida enclosing a copy of Docs. Docs. 58 and 58-1 filed in the above referenced civil action. (A copy of the confirmation from Federal Express is attached as Exhibit 25).

36. On November 15, 2024 at 8:30 AM, I received an email from Defendant, Joseph “Joe” Hoft, delivered from his email address of jwhoft@gmail.com acknowledging receipt of notice of documents I have forwarded to him which have been filed in the above referenced civil action and acknowledging that Joseph “Joe” Hoft is a defendant in the above referenced civil action. (A copy of email received from Defendant, Joseph “Joe” Hoft, is attached as Exhibit 26).


37. In addition to providing Joseph “Joe” Hoft notice of the initial pleading setting forth the claim for relief upon which this civil action or proceeding is based and documents filed in the above referenced civil action, on October 8, 2024, at 8:33 PM I sent an email to Joseph “Joe” Hoft at his email address of jwhoft@gmail.com attaching a copy of Plaintiff’s Original Petition and the Temporary Restraining Order filed and the state court action, Cause No. 471-07421-2024 in the 471st Judicial District Court of Collin County, Texas. (A copy of my email is attached as Exhibit 27).

38. Defendant, Joseph “Joe” Hoft received through service or otherwise, as this Affidavit and the Exhibits attached establish, a copy of the initial pleading setting forth the claim for relief upon which this civil action or proceeding in the above referenced civil action is based, and documents filed by Plaintiff subsequent to the filing of the pleading setting forth the claim for relief upon which this civil action or proceeding is based.

39. Plaintiff has complied with the notice requirements of 28 §1446(b).

FURTHER, AFFIANT SAYETH NAUGHT.

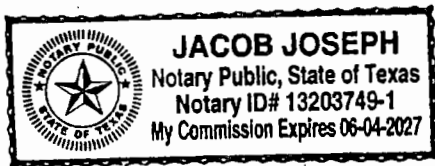
WILLIAM CHARLES BUNDREN

By: 
William Charles Bundren

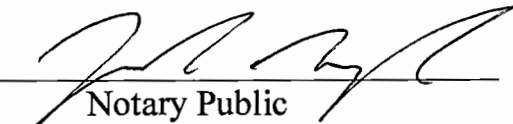
STATE OF TEXAS)
)
COUNTY OF COLLIN)

On this 20th day of November, 2024, before me, a Notary Public in and for said State, personally appeared William Charles Bundren, and that said instrument was signed on by him and he acknowledged said instrument to be his free act and deed.

IN TESTIMONY WHEREOF, I have set my hand and affixed my official seal in the County and State aforesaid, the day and year first written above.



My Commission Expires: 06/04/2027


Notary Public